

1-1005-10235-2
1-1005-10244-2

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA DEPARTMENT OF COMMERCE

ITMO Real Estate Broker License of
Thomas C. Huffman, License No.
681393

ORDER

and

ITMO Residential Building Contractor's
License of Craft Master Custom
Homes, Inc., a Minnesota corporation;
License No. 8721

On February 2, 1996, the Department of Commerce filed a motion for a default or other sanctions in the above matter due to Thomas Huffman's failure to appear at a scheduled depositions on January 19, 1996, and February 1, 1996. By a letter dated February 1, 1996, the ALJ advised Mr. Huffman that if he wished to oppose the motion he would have to file a written reply before 4:30 p.m. on February 5, 1996. No reply has been received from Mr. Huffman.

Prentiss Cox, Assistant Attorney General, 445 Minnesota Street, Suite 1200, St. Paul, Minnesota 55101-2130, represents the Department of Commerce. Thomas C. Huffman, 8231 Sheridan Avenue South, Bloomington, Minnesota 55431-1645, represents himself and Craft Master Custom Homes, Inc.

Based upon the arguments submitted and all of the filings in this case:

IT IS HEREBY ORDERED:

1. That Respondent Thomas C. Huffman shall appear for a deposition by oral examination at the offices of the Attorney General, 1200 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota, at 9:30 a.m. on Friday, February 9, 1996.
2. That Mr. Huffman shall bring with him all of the documents listed in the deposition notice attached to this Order.
3. That if Mr. Huffman fails to appear for the deposition or if he fails to bring the documents requested, Mr. Huffman shall be deemed to be in default under Minn. Rule 1400.6000 and this contested case proceeding will be decided in favor of the Department.

Dated this 6th day of February, 1996

GEORGE A. BECK
Administrative Law Judge

MEMORANDUM

The motion and supporting affidavits indicate that Mr. Huffman has twice failed to appear for scheduled depositions. He has also failed to comply with a demand for disclosure of witnesses and recorded statements. The Department is entitled to depose Mr. Huffman and has explained its need to do so. Mr. Huffman did not reply to the motion. It is therefore appropriate to issue an order directing Mr. Huffman to appear for the deposition. Should Mr. Huffman not appear, with the requested documents, the ALJ will be required by Minn. Rule 1400.6000 to recommend that this matter be decided in favor of the Department of Commerce.

G.A.B.